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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,481	03/05/2004	Matthew T. Starr	47320.0145	2480

20874 7590 10/07/2005

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EXAMINER

EVANS, JEFFERSON A

ART UNIT	PAPER NUMBER
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2652

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/708,481	Applicant(s) STARR ET AL.	
	Examiner Jefferson A. Evans	Art Unit 2652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 23 is/are rejected.
- 7) ☒ Claim(s) 17-22 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Claims 1 to 23 are pending.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the asymmetry of the mounting flanges must be better shown or the feature(s) canceled from the claim(s). No new matter should be entered.
2. The drawings are objected to because the line quality of many of the figures is bad, making some details difficult to see. Also, the some of the reference characters and lead lines are hard to read and/or poorly drawn.
3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The title of the invention is not adequately descriptive. A new title is required that is more clearly indicative of the invention to which the claims are directed by making some reference to an inventive aspect of the tape cartridge magazine.

Claim Rejections - 35 USC § 112

5. Claims 3 to 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 3 and 4 set forth that the flanges extend parallel to the bottom surface but the figures depict flanges that would be considered to have a main longitudinal axis perpendicular to the bottom surface.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 2, 15, 16, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Egan et al (U.S. 6,466,396). Egan discloses a tape cartridge magazine (figures 7-3 and 7-4) that as depicted includes a bottom wall and four side walls. The

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side walls define a front opening through which cartridges are inserted into slots 260 formed by partitioning structures 262. One of the partitioning structures could read on the strut of claim 15. Egan discloses a dust cover 210. The magazine is provided with coupling flanges 240 on one side wall extending away from the wall towards an exterior region and coupling flanges 250 which extend away from the wall into an interior region. The claim language is open thus allowing flanges on opposite walls diagonal to each other to be used to read on the claimed flanges and thus the flanges will be different distances from the other two walls.

8. Claims 1, 3-5, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Campbell et al (U.S. 5,264,974). Campbell discloses a tape cartridge magazine 24 with a bottom wall and 4 side walls and has a front opening through which cartridges are inserted into and taken from slots defined by the magazine. As shown for example in figure 1, the magazine includes a pair of rails on each of two opposite sides, the rails being readable on the claimed flanges. The claim language is open thus allowing rails on opposite sides diagonal to each other to be used to read on the claimed flanges and thus the flanges will be different distances from the front terminal edges of the walls.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 6 to 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Egan et al or Campbell et al, in view of Baca et al (U.S. 5,898,593). Neither Egan nor Campbell appears to disclose their tape cartridge magazine as being provided with a bar code.

Baca discloses a tape cartridge magazine provided with a barcode 66.

As per Claim 6: It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the tape cartridge magazine of Egan or Campbell with a bar code as taught by Baca. The motivation would have been: such bar codes were useful both for accurately positioning elements relative to each other but also for providing a structure such as a magazine with a unique identifier.

As per Claims 7 to 14: It would have been obvious to one of ordinary skill in the art at the time the invention was made to position the bar code on any of the side surfaces in varying orientations or numbers. The motivation would have been: the criticality of the various orientations and numbers of bar codes has not been established by the disclosure. Plural bar codes would have been obvious such as to label each slot or to provide duplicate information on multiple sides. Different orientations would have been obvious so as to allow flexibility in the orientation of the bar code reader.

Allowable Subject Matter

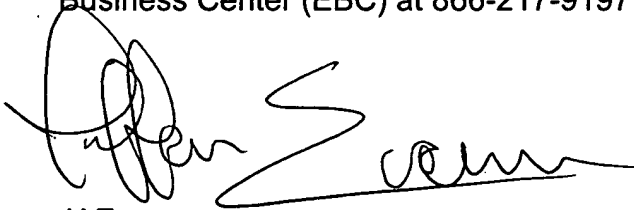
11. Claims 17 to 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferson A. Evans whose telephone number is 571-272-7574. The examiner can normally be reached on Monday to Friday, 9:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Thi Nguyen can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Jefferson A. Evans', with a stylized flourish at the end.

JAE
October 3, 2005

Jefferson A. Evans
Primary Examiner
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**JEFFERSON EVANS
PRIMARY EXAMINER**